PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR REGIONAL GENERAL PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 2003-455-DPS
Comment Period: October 10, 2008 through November 10, 2008
Project Manager: Daniel P. Swenson (213) 452-3414 daniel.p.swenson@usace.army.mil

Applicant
Santa Ana Watershed Project Authority
(SAWPA)
11615 Sterling Avenue
Riverside, California 92503
Contact: Jeff Beehler

Location
The proposed work would take place within approximately 30 river miles of the Santa Ana River (SAR), as well as certain tributaries to the Santa Ana River (1000 ft upstream from confluence), extending from San Bernardino County, through Riverside County, and into Orange County, California (as shown on Figures 1-7 and Table 1).

Activity
To establish a Regional General Permit (RGP) authorizing the discharges of fill material for maintenance activities, including: (1) vehicle crossing for operation and maintenance purposes, (2) maintenance of existing flood control facilities, (3) low-flow channel and tributary maintenance, (4) earthen dike and levee repair, (5) mechanized land clearing (i.e., vegetation removal using mechanized equipment), (6) operation and maintenance of created wetlands and recharge basins, and (7) habitat restoration. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-S-2003-455-DPS
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: daniel.p.swenson@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. The applicant has concurrently applied for 401 certification.

Coastal Zone Management- Prior to permit issuance, the Coastal Zone Management Act requires that any applicant requesting an individual permit under Section 404 provide proof of consistency to the Corps if the proposed project is located within the coastal zone. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places (NRHP) has been consulted. In addition, the applicant has provided additional information indicating that cultural resources listed on or potentially eligible to be listed on the NRHP may be located in the vicinity of the proposed project. The Corps will continue to evaluate potential effects on cultural resources and will make a determination on whether consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, is warranted.

Endangered Species- The proposed project may affect the following threatened or endangered species: Santa Ana Sucker (*Catostomus santaanae*), the least Bell's Vireo (*Vireo bellii pusillus*), the Southwestern willow flycatcher (*Empidonax traillii extimus*), and the Santa Ana River woolly star (*Eriastrum densifolium ssp. sanctorum*). Therefore, the Corps has made a determination that the proposed project activities may affect Federal-listed species or their critical habitat protected under the ESA. Consultation, pursuant to Section 7 of the ESA, was initiated on January 23, 2003.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purposes for the proposed project consist of flood control, maintenance, and habitat restoration.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to discharge fill material for maintenance activities, including: (1) vehicle crossing for operation and maintenance purposes, (2) maintenance of existing flood control facilities, (3) low-flow channel and tributary maintenance, (4) earthen dike and levee repair, (5) mechanized land clearing (i.e., vegetation removal using mechanized equipment), (6) operation and maintenance of created wetlands and recharge basins, and (7) habitat restoration.

Additional Information

Background: The Santa Ana sucker (*Catostomus santaanae*, "SAS") historically and currently resides in portions of Los Angeles, San Gabriel, Santa Ana, and Santa Clara River watersheds. Over the past 30 years, the range of the SAS has been significantly reduced within all four watersheds leading to the listing of the SAS as a threatened species by U.S. Fish and Wildlife Service (USFWS). Because of the listing of the species and continued concern for the decline in the population of the SAS, an informal group of local and regional agencies in 1998 formed the Ad-Hoc Santa Ana Sucker Discussion Team, now known as The Santa Ana Sucker Conservation Team (Conservation Team). The Conservation Team is comprised of the Orange County Water District (OCWD), Orange County Sanitation District (OCSD), City of Riverside, Riverside County Flood Control and Water Conservation District, Riverside County Transportation and Land Development Department, San Bernardino County Flood Control District, Orange County Resources and Development Management Department and Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Joint Powers Authority. The objective of the Conservation Team is to establish a conservation program that identifies and implements measures that would contribute to the survival and recovery of the SAS, primarily within the SAR watershed.

Through a coordinated effort by the Conservation Team, research priorities and funding sources were identified with the result that three separate studies were completed during 1999 and 2000. The first study examined the affects of physiochemical variables such as stream discharge and water quality on the SAS. A second study examined migration patterns, predatory fish relationships,

and the use and importance of tributaries for the SAS. The final study focused on developing conservation strategies for the recovery in the SAR.

As an outgrowth of these studies, the Conservation Team proposed a Conservation Program (Program) for the SAS for an initial term of five years, commencing on September 1, 2000 that was designed to foster open, collaborative conservation efforts funded primarily by agencies with a stake in the SAR. Through coordination with the USFWS, the original Program has since been revised to include specific conservation measures intended to minimize potential adverse effects of existing maintenance activities for flood control, water conservation, water treatment and discharge on the SAS. For each category of maintenance activity, general avoidance measures and maintenance activity minimization measures have been developed to avoid and/or minimize potential adverse effects to the SAS, as well as to other sensitive listed species occurring within the project area, including the least Bell's vireo, southwestern willow flycatcher and the Santa Ana River woolly star.

Detailed description of activities:

1. **Vehicle Crossing for Operation and Maintenance Purposes**: Establishment of high frequency vehicle crossing locations across the Santa Ana River and tributaries listed below. Normally, a vehicle crossing a waterbody does not constitute a discharge of fill regulated under the Clean Water Act Section 404. However, frequent crossings along the same route, especially by mechanized equipment, can constitute a discharge of fill. This RGP would authorize high frequency vehicle crossings, as needed to transport equipment and/or personnel in order to conduct maintenance and operation activities. Vehicles may include heavy machinery and four-wheel drive vehicles. Vehicle crossings resulting in a discharge of fill and made for other than the purposes described in this paragraph would not be authorized by this RGP.

2. **Maintenance of Existing Flood Control Facilities:** This RGP would authorize maintenance of existing, previously-authorized flood control facilities (or a "grandfathered" facility, if it was constructed before enactment of the Clean Water Act in 1972 or applicable phase-in dates set forth in 33 CFR 330.3), including levees, groins, riprap bank-stabilization structures, drop structures, and grade stabilizers. Authorized work would include repairing or replacing riprap where it has been destroyed through floods, erosion, or vandalism. Authorized work would also include minor modification or replacement of hard bank stabilization structures and drop structures, when they fail or are otherwise compromised, with structures that minimize impacts to SAS habitat, provide fish passage, or otherwise improve SAS habitat quality and function. Maintenance would not include the construction of new flood control facilities or the replacement of an existing facility with a larger facility.

3. **Low-Flow Channel and Tributary Maintenance:** This RGP would authorize low-flow channel and tributary maintenance activities whenever channel capacity is reduced to below 50%. Authorized work would include the following activities: 1) periodic removal of sediment from the existing low-flow channels and tributaries to maintain their baseline capacity or baseline channel invert elevations; and 2) redirection of low-flow channels encroaching upon existing levees or groins as a result of natural changes to the streambed.

4. **Earthen Dike and Levee Repair**: This RGP would authorize repair of existing, previously-authorized earthen dikes and levees, including replacement after storm events.

5. **Mechanized land clearing (i.e., vegetation removal using mechanized equipment):** Vegetation removal conducted using hand tools or mowers such that channel substrate is not disturbed does not constitute a discharge of fill regulated under the Clean Water Act Section 404. However, vegetation

clearing that involves mechanized land clearing and the resulting uprooting of large, woody vegetation typically does constitute a discharge of fill and would be regulated under the Clean Water Act Section 404. This RGP would authorize the removal of native and non-native vegetation via mechanized equipment for the purpose of maintaining the capacity of existing, previously-authorized flood control structures whenever channel capacity is reduced to below 50%.

6. **Operation and Maintenance of Constructed Wetlands and Recharge Basins**: This RGP would authorize maintenance of earthen dikes, levees, and basins associated with created wetlands. Construction of new treatment wetlands would not be authorized by this RGP.

7. **Santa Ana Sucker Habitat Restoration:** This RGP would authorize SAS habitat restoration, including enhancing, restoring and/or creating habitat through the removal of invasive, exotic vegetation, excavation of channel substrate, and through the placement of boulders, rock, and gabions exclusively for restoration purposes and as approved by the Corps and other agencies (see Special Conditions below).

Existing conditions: see Table 1 for a description of existing conditions within the study area.

Implementation: Under the proposed RGP, local and regional agencies (applicants) would be able to conduct the maintenance activities described above. In order to ensure compliance with all requirements of the proposed RGP, SAWPA would conduct initial review of pre-construction notifications (PCN) prepared by applicants under the RGP. SAWPA would then submit reviewed PCNs to the Corps and other resource agencies (see Special Conditions below). In addition, as the Permittee, SAWPA would be required to submit annual reports to the Corps of all activities conducted under this RGP (see Special Conditions below).

Area for which use of RGP would be authorized: The proposed work in waters of the U.S. would be authorized within the Santa Ana River from approximately 4400 feet upstream of its confluence with Mission Channel (Figure 2: Map Area 1) downstream to its confluence with Chapman Avenue (Figure 7: Map Area 6). In addition, the proposed work would be authorized from the confluence of each tributary (listed below) with the Santa Ana River to a point within the tributary 1000 feet upstream of the confluence. Finally, proposed work would be authorized in certain facilities within or adjacent to the SAR (listed below).

Mitigation: Avoidance and minimization is encouraged to reduce functional loss of aquatic resources subject to maintenance activities. For example, mowing, hand pruning and trimming, and infrequent mechanized land clearing should be done whenever possible, rather than the frequent use of mechanized land clearing. Overall mitigation concepts that should be considered by applicants include re-establishment of riparian corridors, continuation of on-going SAS mitigation and research, restoration and enhancement of existing riparian habitat, and best management practices (BMP). On a project-by-project basis, requirements for a "one-time" (per project site) compensatory mitigation would be evaluated by the Corps based on applicants' impact assessments and mitigation proposals. Subsequent maintenance activities at such a site would then require no further compensatory mitigation, assuming the submitted maintenance activity is adhered to. In some cases, for sites with extremely low functions and values (excepting on-going, unauthorized disturbances) and/or sufficient BMPs, "one-time" compensatory mitigation may not be required if adequate justification is provided in lieu of a "one-time" mitigation plan

Proposed Special Conditions-

I. Overall Special Conditions applicable to all uses of RGP XX:

a. For the first use of RGP XX in any particular site, the applicant must submit a pre-construction notification (PCN) to SAWPA. After reviewing each PCN for completeness and compliance with the terms and conditions of this RGP, SAWPA will submit each PCN to the Corps, the appropriate Regional Water Quality Control Board, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service per Special Condition I.b. below, including a maintenance plan, and must receive a signed notice to proceed (NTP) from the Corps before commencing any work in waters of the U.S. Once a maintenance plan is approved by the Corps, subsequent PCNs are no longer required. Subsequent maintenance activities in a site previously authorized by this RGP XX (per I.b.) shall be reported after-the-fact (i.e., post-construction) on an annual basis per Special Condition I.c. below.

b. The Santa Ana Watershed Project Authority (SAWPA) shall be the primary Point of Contact (POC) for applicants seeking authorization under RGP XX and applications (PCNs) will be screened through this office. Once the POC has determined an application meets the conditions of this permit, the POC will forward the application, along with a written certification, to the Corps, the appropriate Regional Water Quality Control Board, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. This certification shall include the following information:

    i. Certification letter from the POC confirming the proposed application meets the terms and conditions of the RGP XX.
    ii. Documentation of the original or subsequent section 404 permit authorization (or "grandfathering" if constructed before enactment of the Clean Water Act in 1972 or applicable phase-in dates set forth in 33 CFR 330.3) for any structures proposed for maintenance.
    iii. Location information, including vicinity map, county, site latitude and longitude coordinates (e.g., decimal degree format), and waterbody name(s).
    iv. To-scale baseline drawings of the proposed action (i.e., plan view and cross-section view of proposed activity), including the boundaries of (or annotations showing) any of the eight activity types proposed. All drawings shall be signed, dated, and submitted on paper no larger than 11x 17 inches.
    v. Updated baseline drawings (plan view and cross section) for any minor modifications to authorized structures. All drawings shall be signed, dated, and submitted on paper no larger than 11x 17 inches.
    vi. Land ownership information on each parcel within the project site. If any activities are proposed on Corps-owned property or within Corps easements, this should be clearly stated.
    vii. Maintenance plan (for all maintenance and/or repair activities), including detailed information on the maintenance activities proposed, technical methods/equipment to be used, the planned frequency of activities, and any BMPs. Once approved, any proposed changes to and approved maintenance plan will require submittal of a new PCN.
    viii. Restoration plan (for proposed SAS habitat restoration only)
    ix. Impact assessment shall be prepared for the proposed area of temporary impact to waters of the U.S. (in acres or square feet):
        1. Frequency of activity
        2. Habitat type

3. Assessment of aquatic resources:
    a. For low-frequency activities (conducted every 2 years or less frequently), mitigation acreage ratios shall be no less than 0.5:1 (minimum) and no more than 2:1 (maximum). Optionally (and recommended), a functional assessment analyzing loss of ecological condition shall be prepared comparing pre-impact site condition with the post-impact and/or post-recovery site conditions. Acceptable functional assessment methods must be aquatic resource-based, standardized, comparable from site to site, and must be peer-reviewed (e.g., California Rapid Assessment Method (CRAM)).
    b. For high-frequency activities (conducted every year or more frequently), mitigation acreage ratios shall be no less than 2:1 (minimum) to no more than 4:1 (maximum). For "one-time" mitigation sites, a functional assessment analyzing loss of ecological condition (must be an acceptable method, as described above) is required and shall be prepared comparing pre-impact site condition with the post-impact site condition and comparing pre-mitigation site condition with post-mitigation site condition.
4. Pre-project ground photos (aerial(s) optional) with complete coverage site and taken from permanent photo stations.

x. Mitigation plan for a "one-time" mitigation, prepared according to SPL "Final Mitigation Guidelines and Monitoring Requirements," April 19, 2004 (or as subsequently revised), and regulations found at 33 CFR Parts 325 and 332 (Compensatory Mitigation for Losses of aquatic Resources; Final Rule). The extent and type of mitigation proposed should be based on the impact assessment (above) and criteria listed below:
    1. For low-frequency activities (conducted every 2 years or less frequently), mitigation acreage ratios shall be no less than 0.5:1 (minimum) and no more than 2:1 (maximum).
    2. For high-frequency activities (conducted every year or more frequently), mitigation acreage ratios shall be no less than 2:1 (minimum) to no more than 4:1 (maximum).
    3. CRAM impact analyses (if conducted) will be used to help assign mitigation ratios (for creation or restoration) according to the following categories:

Loss of CRAM condition (%)	Acreage Ratio* (low frequency)	Acreage Ratio* (high frequency)
< 25	0.5:1	2:1
26-50	1:1	2.5:1
51-75	1.5:1	3:1
76-100	2:1	4:1

    4. *Enhancement, as opposed to creation (establishment) or restoration (re-establishment), shall be performed at a higher ratio.
    5. Consideration of the extent to which proposed maintenance clearing plans are modified to incorporate BMPs such as on-site avoidance and minimization of impacts, measures such as rotating cleared swaths, or selective clearing of only larger trees, to reduce project impacts would result in lower mitigation ratios.

6. Timing of implementation of mitigation: Delay in implementing compensatory mitigation would increase temporal impacts and result in increased mitigation ratios.
7. CRAM analysis of proposed compensatory mitigation sites (pre- and estimated post-restoration), may be considered when determining mitigation.
8. For sites with extremely low functions and values (excepting on-going, unauthorized disturbances) and/or sufficient BMPs, compensatory mitigation may not be required if adequate justification is provided in lieu of a "one-time" mitigation plan.
9. Consideration of other, previously conducted mitigation may be considered by the Corps, if appropriate.

xi. Draft conservation easement or deed restriction document, only if a "one-time" mitigation is proposed by an applicant and approved by the Corps, per Special Condition IV.a. below, in electronic format (preferably MS Word format) with all attachments, exhibits (PDF format), and referenced documents.
xii. Evidence of 401 certification or waiver thereof from the Regional Water Quality Control Board.
xiii. Proposed schedule for implementation of the work, including the estimated start and end dates.

c. Annual Reporting: SAWPA shall submit annual reports for the life of the RGP to the Corps Los Angeles District Regulatory Division documenting activities authorized under this RGP. Each annual report shall be a cumulative ledger documenting all activities conducted using this RGP to date. One summary report shall be prepared each year (i.e., bundled reports by various agencies are not acceptable). The annual report shall be submitted by January 1 of each year. Each annual report shall include:

i. Location information and map(s) of each project completed the prior year, including county, site latitude and longitude coordinates (e.g., decimal degree format), water body name(s), and corresponding Corps Regulatory file number.
ii. Pre-project and post-project ground photographs (aerial photographs optional) with complete coverage of site and taken from permanent photo stations for each project completed the prior year.
iii. Summary table of all authorized activities completed since issuance of RGP:
    1. Project-specific and total acreages of waters of the U.S. impacted for each activity type;
    2. Number and type of structures repaired, modified, or replaced;
    3. Project-specific and total mitigation completed;
iv. Mitigation monitoring report for all pending mitigation sites.
v. Documentation of required training sessions (per special condition III.k.).
vi. Confirmation of compliance with all special conditions, or a detailed explanation of any special conditions not complied with.

d. To renew RGP XX, the permittee shall submit a report that documents the existing conditions in the project area at least four months prior to the expiration date of the permit. If the Corps determines there are no changes in the project area that would warrant further in-depth analysis, RGP XX would be issued for another 5-year period with minimal environmental review. If there are substantial changes in the project area, RGP XX could still be reissued; however, the Corps would be required to

complete a more substantive environmental review to address the changes in the project area.

II. Geographic extent of RGP:

a. The proposed work in waters of the U.S. would be authorized within the Santa Ana River from approximately 4400 feet upstream of its confluence with Mission Channel (Figure 2: Map Area 1) downstream to its confluence with Chapman Avenue (Figure 7: Map Area 6). In addition, the proposed work would be authorized from the confluence of each tributary (listed below) with the Santa Ana River along this reach to a point 1000 feet upstream of the confluence. Finally, proposed work would be authorized in certain facilities within or adjacent to the SAR (listed below).

Mission Channel
San Timoteo Creek
Twin Creek
Rialto Channel
Reche Channel
Prado Wetlands Ponds
Prado Wetlands diversion channel
Hidden Valley Wetlands conveyance channel
Hidden Valley Wetlands

III. Other Requirements and Restrictions:

a. Vehicle crossings resulting in a discharge of fill and made for other than the purpose of transporting equipment and/or personnel in order to conduct maintenance and operation activities are not authorized by this RGP.

b. Construction of new flood control structures or the replacement of a structure with a larger, in-kind structure is not authorized by this RGP.

c. Low-flow channel realignment cannot occur more than 200 feet in any direction from an engineered structure (for which as-built drawings have been provided).

d. Low-flow channel realignment cannot occur unless channel capacity is reduced to below 50% or unless low-flow channel is encroaching upon existing levees or groins as a result of natural changes to the streambed.

e. Vegetation removal conducted using mechanized equipment such that the channel substrate is disturbed and for the purpose of maintaining the capacity of existing, previously-authorized flood control structures shall only be conducted when channel capacity is reduced to below 50%.

f. Placement of boulders, rock, and gabions for purposes other than the maintenance of existing, previously-authorized structures or the restoration of SAS habitat is not authorized by this RGP.

g. Other than for restoration of SAS habitat, this RGP does not authorize the construction of new structures or permanent impacts to waters of the U.S.

h. Approved maintenance plans must be implemented using the approved frequency specified by each plan. Any later increase in frequency shall require the applicant to submit an updated PCN with a proposed, revised maintenance plan, per Special Condition I.b. above, and including an updated impact assessment and mitigation plan.

i. Timing restrictions: Removal of vegetation shall be limited to the period outside of the migratory bird breeding season (March 15 - September 15) of any year unless surveys for nesting birds have been conducted by a professional biologist and the results coordinated with the Corps (Regulatory Division), California Department of Fish and Game, and the U.S. Fish and Wildlife Service prior to commencement of work.

j. Each applicant shall maintain a copy of this RGP XX and the signed notice to proceed (NTP) on all mechanized equipment used to conduct maintenance activities authorized under this permit.

k. SAWPA shall develop a training program for field personnel performing activities regulated under this RGP and their managers, planning personnel, and other appropriate managers and staff. The training program shall cover Best Management Practices including management oriented for water quality, management oriented for wildlife, native flora and fauna expected on the site and mechanisms for avoidance, a discussion of nesting season, native plants vs. invasive weeds, and endangered species protocol. The training program shall be developed in coordination with the Corps, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and California Department of Fish and Game and be approved by the Corps.

l. Permittees shall dispose of all excavated sediment and debris at a legal disposal point. Disposal of sediment on adjacent native habitat areas (i.e., areas of native vegetation), including waters of the U.S. or waters of the State, is prohibited without prior authorization.

IV. <u>Mitigation</u>:

a. If a "one-time" mitigation is proposed by an applicant and approved by the Corps, Within one (1) year of initiation of work in waters of the U.S. for any particular PCN, the Permittee shall record a Conservation Easement (CE), in a form approved by the Corps, which shall run with the land, obligating the Permittee, its successors and assigns to protect and maintain the mitigation site (as identified in the PCN) as natural open space in perpetuity. The CE must include a 3rd party easement holder qualified to hold easements pursuant to California Civil Code section 815.3 and Government Code section 65965. The Permittee must provide monies in the form of an endowment (endowment amount to be determined by Property Analysis Record or similar methodology) for the purposes of fulfilling the 3rd party easement holder's responsibilities under the CE. The CE shall preclude establishment of fuel modification zones, paved public trails, drainage facilities, walls, maintenance access roads and/or future easements, except as provided in the Project Description. Further, to the extent practicable, any such facilities outside the CE shall be sited to minimize indirect impacts on the avoided, created, restored and enhanced wetland and non-wetland waters of the U.S. The Permittee shall receive written approval (by letter or

e-mail) from the Corps of this CE prior to it being executed and recorded. A recorded copy of the CE shall be furnished to the Corps within 30 days of recordation. At the Corps' discretion, a Deed Restriction (DR) may serve in place of a CE. Implementation of a DR shall take place as described for a CE in this Special Condition.

b. This RGP does not authorize more than minimal impacts to aquatic resources. Based on any relevant information, the Corps will determine if such impacts to aquatic resources have occurred and if additional mitigation is required. Any required mitigation would be the responsibility of the Permittee and failure to implement Corps-specified mitigation could result in enforcement proceedings or suspension or revocation of this permit.

For additional information please call Daniel P. Swenson of my staff at (213) 452-3414. This public notice is issued by the Chief, Regulatory Division.

TABLE 1: EXISTING CONDITIONS

PROJECT	MAP	LOCATION	USGS	LONGITUDE	LATITUDE	DESCRIPTION	JURISDICTION AREA (LENGTH).	JURISDICTION AREA (ACRES)
Upper SAR Watershed Project Area								
SAR PART 1	1	TIPPECANOE AVENUE TO I-10	SAN BERNARDINO T1S, R4W, S18	117 16 10 TO 117 18 04	34 04 27 TO 34 03 54	BETWEEN TIPPECANOE AVENUE AND WATERMAN AVENUE, THE SAR HAS A SOFT BOTTOM WITH NATURAL BENCHES ALONG BOTH EMBANKMENTS. THE NATURAL BENCHES CONTAIN RIPARIAN, ALLUVIAL FAN SAGE SCRUB, DISTURBED AND MIXED HABITATS. BETWEEN WATERMAN AVENUE AND E STREET OVERPASS THE SAR HAS A SOFT BOTTOM WITH CONCRETE RIP RAP SIDES ON THE SOUTHERN EMBANKMENT. THE NORTH EMBANKMENT HAS A NATURAL LEVEE THAT ABUTS A GOLF COURSE. THE SAR BOTTOM CONSISTS OF A MIX COTTONWOOD/WILLOW RIPARIAN FOREST, MULE FAT SCRUB AND RUDERAL DISTURBED VEGETATION. BETWEEN E STREET OVERPASS TO I-10 THE SAR HAS A SOFT BOTTOM WITH CONCRETE LINED	7,869 FT (1.49 MILE)	108.0

						VERTICAL EMBANKMENTS. THE SAR BOTTOM CONSISTS OF A MIX COTTONWOOD/WILLOW RIPARIAN FOREST, MULE FAT SCRUB, SOUTHERN WILLOW SCRUB AND RIVERSIDEAN ALLUVIUM FAN SAND SCRUB.		
SAR Part 2	2	I-10 to Rialto Channel	San Bernardino T1S, R4W, R5W, S18, S30	117 18 04 To 117 21 12	34 03 34 To 34 02 40	Between I-10 to Rialto Channel the SAR has a soft bottom with concrete along both embankments. Along he bottom of the SAR are patches of mule fat scrub, cismontane marsh, riversidean alluvium sands scrub and ruderal disturbed vegetation. Between Reche Channel to La Cadena Drive the SAR is natural channel along the bottom and both embankments. Patches ruderal disturbed vegetation and mule fat scrub are along the toe of the embankment. Between La Cadena Drive and the Rialto Channel, for approximately 600 feet downstream, both embankments of the SAR are grouted rip rap. Downstream to Rialto channel, the north side of the SAR has natural levees. Along the south side there is shot rock placed along the side of	16,745 ft (3.17 miles)	305.0

						an asphalt levee that runs along the toe of the Colton Landfill. Within this reach there are pockets of a ruderal disturbed vegetation, mule fat scrub, willow/mule scrub and riversidean alluvium fan sand scrub. Approximately 900 feet upstream of the Rialto Channel is a known cluster of SAR woolly star.		
Mission Channel	1	Confluence of SAR/Mission Channel	San Bernardino T1S, R4W, S18	117 16 10	34 04 27	Deeply incised channel with natural sandy bottom and natural sides. Channel contains a mix of cottonwood/willow riparian forest vegetation.	1,000 ft.	2.29
San Timoteo Creek	1	Confluence of SAR/Timoteo Creek	San Bernardino T1S, R4W, S18	117 16 49	34 04 11	Concrete lined channel at the confluence with SAR. Contains concrete block decelerators that accumulates sand. Channel contains a mix of cotton willow riparian forest, mule fat and ruderal disturbed vegetation near outlet with SAR.	300 ft.	.034
Twin Creek	1	SAR/Twin Creek	San Bernardino T1S, R4W, S18	117 17 15	34 04 18	Rip slopes on both sides with a sandy soft bottom, except for concrete drop structures at confluence with SAR. Channel contains a mix of cottonwood/ willow riparian forest, mule fat scrub and cismontane alkali marsh vegetation.	450 ft.	2.49
Rialto Channel	2	Confluence of SAR/Rialto Channel	San Bernardino T1S, R5W, S30	117 211 12	34 02 40	Natural channel with gravelly, sandy bottom with mixture of willow and mule fat growing along sides of channel. Along	1,000 ft.	1.8

						eastern bank there is shot rock with patches of vegetation. The western bank abuts the RIX Treatment Facility and is rocky with native riparian vegetation along the river edge.		
Reche Channel	1	Confluence of SAR/Reche Canyon	San Bernardino T1S, R4W, S34	117 18 32	34 03 11	Natural sandy bottom channel totally denuded of vegetation and highly disturbed. Channel abuts industrial development on the east side and residential development on the west.	1,000 ft.	1.15

Middle SAR Watershed Project Area

PROJECT	MAP	LOCATION	USGS	LONGITUDE	LATITUDE	DESCRIPTION	JURISDICTION AREA (LENGTH).	JURISDICTION AREA (ACRES)
Santa Ana River		Rialto Chanel to Prado Dam	Fontana-T2S,R5W,S3 Riverside West-T2S,R5W,S22 Corona-T2S,T3S,R6W,R7W,S28,S32,S31,S1,S2,S11,S10 Prado-T3S,R7W,S20	117 21 41 To 117 36 26	34 01 46 To 33 54 40	Downstream of the rialto Channel, the surface water flows become more prevalent. The SAR picks up enough urban discharge to support perennial flows. Portions of the SAR floodplain maintain a productive riparian habitat that is dominated by willows. The substrate of the river consists of mixture of sand gravel and cobble. Within the City of Riverside, the SAR is relatively constrained. Surface flows are perennial throughout most of the year. In this reach,	24 Miles	290.0

						the river generally has a sandy to rocky bottom that is relatively flat and broad. The perennial flows support extensive riparian growth, including mature native trees and understory. Waters are relatively warm, in part because of the broad and shallow river morphology.		
Hidden Valley Wetlands Conveyance Channel	4-17	Channel begins approximately 1,000 feet east of Van Buren Blvd at the SAR and extends to Hidden Valley wetland treatment ponds. An existing sand dike extends between the SAR and the conveyance channel.	Riverside T2S,R^W,S25	117 27 40 To 1172955	3357 45 To 3357 24	Earthen channel with open water with pockets of cattail and bulrush vegetation.	1.5 mile (7,920 ft.)	2.18
Hidden Valley Wetland Ponds	4-18		Riverside T2S, R6W,S25	117 29 15	33 57 52	Facility consists of 47 acres of wetland ponds and 13 acres of access roads, channels and vegetation.	3,000 feet	47.0
River Road Bridge	5-26	1,000 feet upstream of bridge and 700 feet downstream.	Corona North R7W, T3S,S10	117 35 98	33 55 30	The reach of the SAR near river road Bridge is a natural chanel with a sandy bottom and natural sides. The channel is surrounded by dense native riparian vegetation and non-native vegetation.	1,700 ft.	33.0
Prado Wetland Ponds	5-31	14980 River Road, Corona	Corona T3S, R7W,S10	117 38 17	33 54 43	Soft bottom ponds containing emerging fresh water marsh vegetation.	6,400 ft.	465.0
Prado Wetlands Diversion	5-28	West of River Road	Corona N. T3S, R7W, S10	117 35 59	33 55 20	The SAR at this located is a natural channel, soft sandy bottom,The	30 ft.	.02

Berm						diversion berm extends across the SAR and consists of native sand. The berm is approximately 30 ft. by 20 ft. wide and 6 to1 0 feet high.		

Lower SAR Watershed Project Area

PROJECT	MAP	LOCATION	USGS	LONGITUDE	LATITUDE	DESCRIPTION	JURIIDICTION AREA	JURISDICTION AREA
Santa Ana River	6-34	Chapman Avenue to Orange County Line	Orange T3S, R9W, S4 , Anaheim T4S, R10W S35, Black star T3S, R8W S32 to T3S, R8W, 28S	117 47 25 to 117 41 53	33 51 27 to 33 52 26	Between Chapman Avenue and Weir canyon SAR channel is soft bottom with reinforced sides and is used for groundwater recharge. Sand levees are located along the channel bottom. Vegetation is ephemeral consisting largely of non-native weeds. Between Weir Canyon and Orange county line the SAR channel is soft bottom and meanders through a relatively wide flood plain that varies width from approximately 300 ft. to 2,000 ft. Within this reach of the SAR there are numerous levees, weirs and grade structures including the armoring of several locations along the banks of the SAR. Dense riparian vegetation consisting of willow woodland and cottonwood vegetation.	94,910 (18 miles)	428.0

Santa Ana River Regional Maintenance Project Index Map

Start
Tippecanoe Ave

Santa Ana River

Area 1

Area 2

Area 3

Area 4

Area 5

Area 6

Santa Ana River

End
Chapman Ave.

Legend

- Santa Ana River
- Freeways
- Rivers

0 1.5 3 6
Miles

SAWPA

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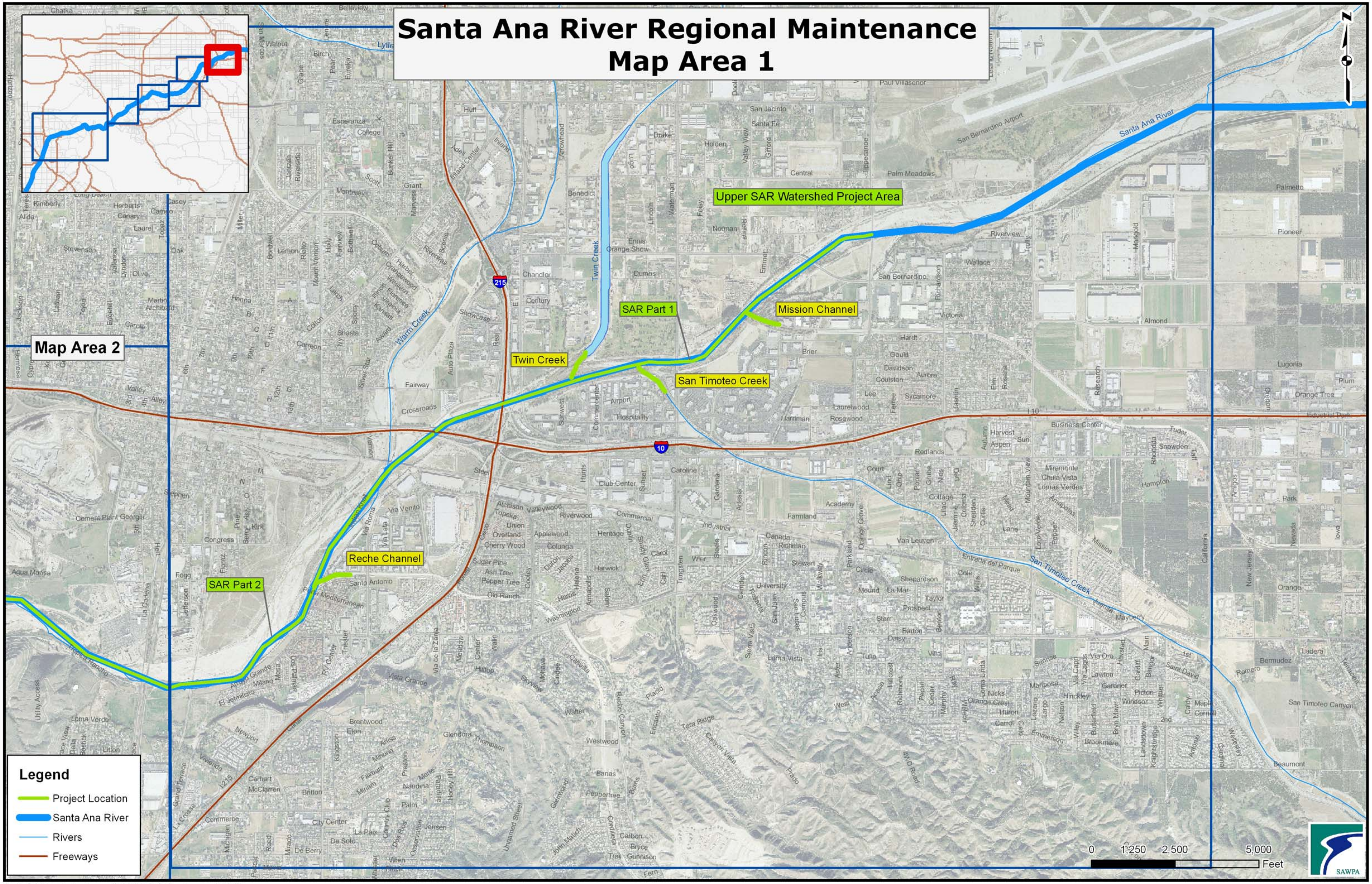
Santa Ana River Regional Maintenance Map Area 1



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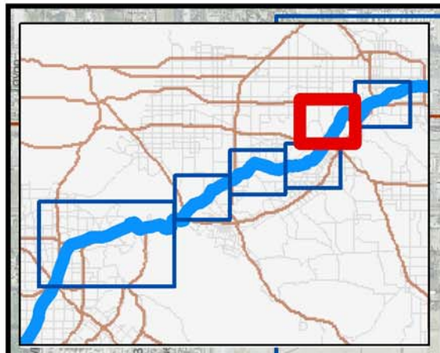
Santa Ana River Regional Maintenance Map Area 2



Upper SAR Watershed Project Area

SAR Part 2

Rialto Channel

Middle SAR Watershed Project Area

Santa Ana River

Map Area 1

Map Area 3

Legend

- Project Location
- Santa Ana River
- Rivers
- Freeways

0 1,250 2,500 5,000 Feet

SAWPA

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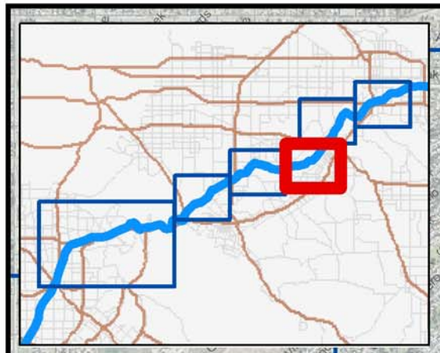
Santa Ana River Regional Maintenance
Map Area 3



Map Area 2

Middle SAR Watershed Project Area

Map Area 4

Santa Ana River

Santa Ana River

Unnamed Street

Legend

- Project Locations
- Santa Ana River
- Rivers
- Freeways

0 1,250 2,500 5,000 Feet

SAWPA

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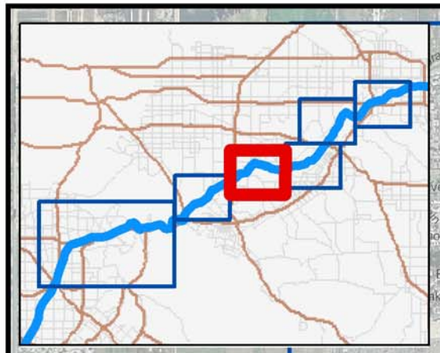
Santa Ana River Regional Maintenance Map Area 4



Middle SAR Watershed Project Area

Hidden Valley Wetlands Ponds

Hidden Valley Wetlands Conveyance Channel

Map Area 3

Map Area 5

Santa Ana River

Legend

- Project Locations
- Santa Ana River
- Rivers
- Freeways

0 1,250 2,500 5,000 Feet

SAWPA

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Santa Ana River Regional Maintenance Map Area 5

Middle SAR Watershed Project Area

River Road Bridge

Prado Wetlands Ponds

Prado Wetlands Diversion Berm

Map Area 4

Map Area 6

Legend

- Project Locations
- Santa Ana River
- Rivers
- Freeways

0 1,250 2,500 5,000 Feet

SAWPA

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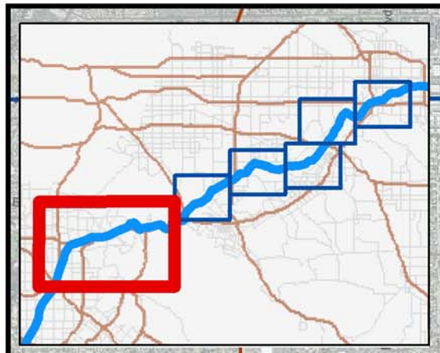
Santa Ana River Regional Maintenance Map Area 6



Lower SAR Watershed Project Area

Map Area 5

Santa Ana River

Villa Park Dam

Irvine Lake

Carbon Creek

Santiago Creek

Santa Ana River

Legend

- Project Locations
- SAR(Line)
- Rivers
- Freeways

0 2,500 5,000 10,000 Feet

SAWPA

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